

MECHANICS' LIEN LAW.

The Supreme Court of Montana Hands Down an Important Opinion.

The Laboring Man Shall Be Paid First at All Events.

Mortgages Take a Back Seat—The Thompson Law is Constitutional and Valid.

"John Merrigan vs. Lydia English; enforcement of mechanic's lien; judgment of lower court affirmed. Opinion by Associate Justice Bach."

The above paragraph appeared among the list of opinions handed down from the supreme court printed in Sunday's INDEPENDENT. That opinion is of much importance to the laborers and mechanics of Montana. Last Fall Judge McConnell rendered an opinion on the case, upholding the mechanic's lien law. A few months ago Judge Blake refused to grant a new trial and sustained the opinion of Judge McConnell. An appeal to the supreme court was taken, the result being that the views of the lower court were sustained, though the latter opinion is very elaborate and brings out some new points not heretofore known. The lien law was introduced by Wm. Thompson, of Silver Bow, in the legislature of 1887.

Mrs. English contracted with the Home Building and Investment company for the construction of a residence. The company sublet the contract to a man who left the country before the building was finished. The company had a mortgage on the property. The plaintiff in the case is a plasterer who brought suit against Mrs. English for his pay. She refused to pay as she had already paid the sub-contractor through her agent (the building company) the full cost of construction.

The decision of the supreme court is very long and is given in five points. The main points, condensed are as follows:

First, that the mechanic's lien law of 1887 is valid and gives to every mechanic or laborer, or other person who performs any work or furnishes any material for or upon any building a direct lien without regard to whether he had a contract with the owner of the building or with some contractor under him. Also without regard to whether the owner knew of his employment or not, so long as he can prove he did the work under a contract with some authorized person. Second, that the law is constitutional. This question was brought up by the attorneys for the plaintiff.

Third, that the homestead exemption cannot be successfully raised against the lien of a mechanic or laborer. Also that the homestead law of Montana not being taken from California the California decisions are not binding in their interpretation of our laws.

The fifth point is that a mortgage recorded after the commencement of work on a building or other structure is subsequent and subject to the lien of any mechanic, laborer or material man for work, labor or material done, performed or furnished, at any time during the construction of the building or other structure, so that if anybody does any work around a building to perfect its completion his claim would have priority over any mortgage that had been filed after any work had been done upon the building.

In all events the laboring man must receive his pay. The result of this decision is that Mrs. English will have to pay twice for her building. No bond was secured from the sub-contractor, and for this reason the owner of the building is made to suffer. This important decision forever settles the validity of the lien law.

Miss Murphy has removed her dressmaking parlors to room 10 Brown Block, Warren street.

JOTTINGS ABOUT TOWN.

Pending the removal of the wrecked engines near Avon, the track has been built around the wreck.

Police Officer McKenzie, who was cut Saturday night by Elmer Chamberlain, is still confined to his room, but will recover.

The cash receipts of the Helena land office from the sale of public lands for the quarter ending September 30, amounted to \$48,904.22.

A warrant was sworn out yesterday for the arrest of George Woods, a boy, before Judge Howey. Woods is charged with an assault upon another boy named Snell.

M. Donahue, formerly local agent of the Montana Union railway at Butte, has accepted a position with the Anaconda company as traffic agent, at an annual salary of \$3,000.

Elmer Chamberlain, the young man who seriously cut Officer McKenzie Saturday night, has been admitted to bail and his hearing set for next Saturday before Judge Sanders.

John Maguire promises the theater-going public a treat in the engagement of Mrs. Scott Siddons, the Shakespearean actress. She will be here next month for a two nights' engagement.

Eight carpenters left via the Northern Pacific last evening for Davenport, Washington territory, to work for Larsen, Woods & Co., railroad contractors on the new Davenport branch of the Northern Pacific.

At a congregational meeting of the members of the First Presbyterian church last evening it was decided to go ahead and build their new church on Ewing street. The contract for the foundation has been let and work will commence at once. The church when completed will cost \$30,000.

C. P. Connolly is busily engaged in writing up the proceedings of the constitutional convention. Several eastern historians are anxious to secure copies of it. A Philadelphia publisher is endeavoring to compile into book form the proceedings of the constitutional conventions of the four new states.

A certificate of incorporation of the Carbonate Mining company was filed with the territorial secretary yesterday, with John E. Williams, John Sutherland, Ernest A. Ringwald, Julius Hest, George B. Lockhart and L. U. Colbath as incorporators. The capital stock is \$1,000,000, divided into 200,000 shares at \$5 each.

Ladies should call at Fred Gamers' and get a pair of slippers, as he is selling them at a very low figure.

Commendable.

All claims not consistent with the high character of Syrup of Figs are purposely avoided by the California Fig Syrup company. It acts gently on the kidneys, liver and bowels, cleansing the system effectually, but it is not a cure-all and makes no pretensions that every bottle will not substantiate.

Dress Making Parlor.

Mrs. W. B. Sperling wishes to inform her patrons and others that she has removed her Dress Making Parlors to the "Grandon Block," corner Sixth avenue and Warren street, where she will be pleased to receive them in the future.

LARGE CONTRACTS.

Another Bank Building for Missoula and Schools for Indians.

Architect Paulsen, of the firm of Paulsen and McConnell was unusually happy yesterday. He had good reason to be so as his firm had just secured two large contracts. One is for the erection of the First National bank building at Missoula, which will be four stories high, to be built of Montana granite and sandstone and to cost at least \$100,000. The building is for Eddy, Hammond & Co. This makes the third bank contract this firm has secured this year. Two of them are nearly completed.

The other contract secured yesterday was one for \$300,000, for the erection at Fort Assiniboine for the Catholic sisters in charge of the Indian schools of St. Paul's mission church, two three story school buildings for boys and girls, a dormitory and industrial building. The government bears part of the expense. These buildings are to be constructed of brick and stone. Work is to begin at once on both contracts.

A fine box of paper and envelopes for twenty cents, worth fifty cents, at The Bee Hive.

The Helena City Directory.

To the Public: Our attention has been called to a card signed by the publishers of a small and incomplete booklet, called a city directory, in which we are accused of misrepresentation in soliciting orders for the first accurate and complete directory of Helena that has ever been attempted. We have long considered the poor excuse for directories hitherto published here a fraud and imposition on the public. We are not obliged to gain our experience at the expense of the public. We come here with an experience of thirty years in the publication of directories in the leading cities of the United States and with ample capital to fulfill our contracts and give our patrons a complete work as is afforded to the people of any city in the country.

Being able to offer greater advantages in every way than any other directory publishers, we are not compelled to resort to misrepresentation to get business. Our firm is permanently located here as the headquarters for all Montana publications; we have invested large capital here and our enterprises will give employment to scores of men. We shall establish here a directory library at a cost of \$2,000 which will contain the directories of all leading cities, as well as state and United States directories, for the free use of the people. We agree with the publisher of the pony booklet that Helena needs but one directory and we know that when our publication appears the public will decide that we have the only one worthy of the name.

R. L. POLK & CO.

If you are in need of a dinner or tea set call at The Bee Hive and get their price before buying.

The City Directory.

HELENA, Mont., Oct. 7.—To the Editor: It has come to my knowledge that there are parties in the city soliciting advertisements and subscriptions for a city directory, and representing that I will not publish such a work this year. This is wholly false and a fraud upon the public. I have already commenced work upon a directory for the current year, and propose having the advantage of the acquaintance and experience that I have acquired during the past two years to make it more complete and accurate than any like publication ever issued in the west. The convenience and interests of the people of Helena call for a good directory every year. But two such works are simply an unnecessary tax upon the patrons. "Ide's Helena Directory" is meant to be a permanent institution and if the patronage of the public, which I feel that I deserve by the honorable performance of my promises, is extended as in the past, it will not only be continued but it will show an annual improvement in accuracy and in new features which will be introduced from time to time.

PERSONAL.

Nate Vestal and wife are in the city. Boiler Inspector Stevenson is at the Merchants.

James Shields came in from Elliston yesterday evening.

Jere Sullivan, of Fort Benton, is at the Grand Central.

Theo. G. Sullivan and wife, of New York, are at the Cosmopolitan.

Hon. Chas. J. Hartman, of Bozeman, spent Sunday in the city.

Wm. Weinstein, a prominent merchant of Philadelphia, is in the city.

H. W. McLaughlin and T. G. Hathaway, of Missoula, are in the city.

Sheriff E. H. Moore and W. H. Beeler, Deer Lodge are at the Cosmopolitan.

J. D. Carson of Portland, and J. M. Shopp of Missoula, are at the Cosmopolitan.

Mrs. Fitzgerald of Bozeman, accompanied by her children, is in the city visiting friends.

C. M. Ellsworth and wife and Miss Leila Henton, of Fort Logan, are guests at the Merchants.

Capt. Vezzie came in from the militia encampment at Fort Ellis yesterday in search of deserters.

Hon. D. G. Browne, late candidate for secretary of state and Hon. Jerry Collins were in the city Sunday.

A. J. Kleinen, proprietor of the Louvre, left yesterday for Alhambra Springs, where he will remain for several days.

Mrs. E. T. Dick of Rimini started last evening via the Northern Pacific for Fostoria, Ohio, to visit relatives.

Hon. S. A. Swiggett was in the city with his daughter, who started last evening for Ottumwa, Iowa, to attend school.

E. M. Eastman, J. W. Adams, S. C. Abeles and John Britt, were east-bound passengers on last night's Northern Pacific train.

E. J. Phillips, of Harrisburg, Dak., is in the city endeavoring to organize a branch of a beneficiary organization which he represents.

D. H. Birdsall, the well known general agent of the Safety Nitro Powder Company, arrived from San Francisco last night and is at the Cosmopolitan.

F. A. Carle, late of the Pioneer Press, was in the city yesterday on his way to Portland to assume the editorial management of the Oregonian.

W. H. Dixon, assistant general passenger agent, and D. P. Finsbee, traveling passenger agent, both of the Chicago, Milwaukee & St. Paul railway, are in the city and staying at the Hotel Broadwater.

Father A. H. Lamy, a Catholic priest from the university of Louvain, Belgium, is in Helena direct from his home. He left Sept. 14 and landed in New York Sept. 27. He will be stationed at Bozeman and will make missionary visits every month to Great Falls, Boulder and surroundings.

Full size decorated chamber set only \$8.50 at The Bee Hive.

Only a Dime.

For a bottle of California white wine or claret; this wine is guaranteed pure and wholesome. We also sell the celebrated Leem's beer at the same price.

Boissans Bros & Co. Cor. Clure and Edward Sts. Telephone No. 241.

Winter underwear for ladies, gentlemen and children, at very low prices, now on sale at The Bee Hive.

FOR SALE.

HOSE AND BUGGY FOR SALE CHEAP. A good roadster and stylish buggy almost new. Inquire at Platt's stable, Clure street.

RANCH WITH HOUSE, STABLE, CORRAL and sheds, 60 tons of hay, agricultural implements, making a very good grazing land for sheep or any stock, at reasonable price. Address P. O. Box 963, Helena.

OLD PAPERS AT THIS OFFICE.

HELP WANTED—FEMALE.

LADY TO HANDLE THE DELIMONICO COOK Book. Handsome incomes being made by those now at work on it. Five hundred thousand copies will be sold. Liberal terms to good party. Address for particulars, Charles L. Webster & Co., Minneapolis, Minn. Send for canvasser's catalogue.

LADY AGENTS WANTED FOR MY WON-derful new rubber undergarment. Grandest invention for women ever seen. Mrs. H. F. Little, Chicago.

GIRL FOR GENERAL HOUSEWORK. Apply at 514 West Lawrence street.

LADY AGENTS FOR CHILD'S REFORM Waist; Skirt-Bustle Substitute, Baby Diaper Supporter, etc. New goods. Our agent at Austin, Minn., made \$75 in ten days. Ladies Supply Co., 27 Washington street, Chicago.

TWO LAUNDRY GIRLS, 1 MAN DISH-washer, one woman dishwasher out of town. 2 female cooks for boarders, 8 house girls and No. 1 nurse girl. Apply at the Capital Employment Office, 212 Lawrence street.

COMPETENT GIRL TO DO GENERAL housework, none others need apply; 418 Ewing street.

HELP WANTED—MALE.

TWO MEN, \$2.50 A DAY; COOK, \$6; 4 TIE men, 14 cents apiece; 10 railroad men, \$2.25 a day; dishwasher, \$20; 3 girls for house work; one girl for family, \$10, must be good cook.

CLIMBERS AND WIREMEN ON BOTH ELECTRIC light and telephone work in Spokane Falls. Apply to W. S. Norman, Spokane Falls.

MEN AND TEAMS TO WORK ON THE Boulder & Elkhorn branch railroad. Apply to James C. Twoby, Boulder.

GENTLEMEN TO REPRESENT US IN THIS city and county. Our books are the best in the world. Liberal arrangements made with good party. Address Chas. L. Webster & Co., Minneapolis, Minn.

AGENTS WANTED FOR BOTTLED ELECTRICITY, entirely new; pays \$50 a day. Address U. S. Home Mfg. Co. Bottle Department, Chicago, Ills.

SITUATIONS WANTED.

Advertisements under this head three times FREE.

OFFICE TO CLEAN. ADDRESS "OFFICE," 121 Ming street.

BY THREE SWEDISH GIRLS, PLACES IN private families. Chandler has their address.

BY MAN AND WIFE, WORK ON RANCH OR BY will take charge of same. Address 1029 Ninth avenue.

BY MAN AND WIFE ON RANCH; IS WILLING to do anything; also man and sister; man can take charge of sheep or stock; sister is a good cook. Apply at the Capital Employment Office, Lawrence street.

BY A GIRL, SITUATION TO DO CHAMBER work. Address M. C. this office.

SITUATION BY A YOUNG MAN, A CLERK, speaks English and German, writes a good hand and willing to work. Address A. H. D. Rimini, Mont.

FOR RENT—BUSINESS HOUSES.

STOREHOUSES IN PENN BLOCK. Also Storehouses and Offices in Pittsburg Block. Inquire of John W. Thompson, room 12, Pittsburg block.

THE IRON FRONT ON MAIN STREET, BEST hotel building in the city; 70 rooms, all outside and finished in oak. Call on Porter, Muth & Cox.

FOR RENT—ROOMS FURNISHED.

DOUBLE FRONT ROOM 418 EIGHTH AVENUE, hot air, bath.

TWO LARGE, NICELY FURNISHED FRONT rooms, with use of bath, at 736 Fifth avenue.

ROOMS, SINGLE OR IN SUITES OR TWO, three or four, in R. Gates building, corner Sixth avenue and Warren street. This building is supplied with steam heat and has all the modern conveniences on each floor.

ROOMS IN ALL PARTS OF THE CITY. Apply Capital Employment Office, 212 Lawrence street.

NEWLY FURNISHED PARLOR AND BED room and furnished rooms for gentlemen, near Main street. Inquire No. 121 Ming street.

FURNISHED ROOMS AT PORTER FLATS, Ewing street; entirely renovated and under new management. Call in basement or at Porter, Muth & Cox, Gold block.

THE PACIFIC OR LENOIRHOUSE—STEAM heat, elegant rooms; 50, 75, \$1, suites \$1.50 per day. No disreputable characters allowed.

HARVEY HOUSE, GRAND STREET, NEW and elegantly furnished rooms, single or in suites.

A SUITE OF ROOMS, SINGLE IF PREFERRED, with board, 124 Jefferson street.

FOR RENT—DWELLINGS.

BRICK HOUSE, SIX ROOMS, CORNER Dearborn avenue and Homer street. Inquire Dr. E. R. E. Carpenter, Room 30, Pittsburg block.

FOUR OR TWO ROOM HOUSE, 412 MING street, lack of Howie street.

SIX AND SEVEN ROOM HOUSES, ALL modern improvements. Inquire of J. S. Featherly.

FIVE ROOM BRICK HOUSE. APPLY AT 113 Clark street.

TWO NINE ROOM HOUSES, WITH ALL modern improvements, on Rodney street. Address D. H. this office.

SEVEN ROOM COTTAGE, CENTRAL LOCATION. Call at Paulsen & McConnell's.

BOARD OFFERED.

FIRST CLASS TABLE BOARD \$6 PER week at 14 North Rodney street.

MONEY TO LOAN.

PROPERTY IN THE CITY OF HELENA AND on farms and ranches in Montana; money furnished for building purposes. H. B. Palmer, Gold Block, Helena.

MONEY TO LOAN UPON HELENA REAL estate upon reasonable terms. Apply to Edward C. Russell, room 6, Thompson block, Helena, Mont.

LARGE AMOUNTS OF MONEY TO LOAN on improved and unimproved city real estate and on ranches at low rates. C. F. Ellis & Co., insurance agents, real estate agents, mortgages loans.

MONEY TO LOAN ON IMPROVED HELENA property. Time and terms to suit. Jno. S. M. Neill, Rooms 6 and 7, Ashby building.

LOST.

A SMALL NOTE BOOK ON BENTON AVENUE. The finder will confer a favor by leaving at Journal office.

MISCELLANEOUS.

100 HEAD GOOD STOCK CATTLE, PARTLY on time. Address stating price, John B. Taylor, Cascade, Mont.

MME. ALESSO, THE CELEBRATED CLAIR-voyant can be consulted at the Hotel building, Room 10.

400 HEAD OF CATTLE OR SHEEP TO WIN-ter on shares; plenty of hay and good range. Address Allen & S. R. Butcher, Independent office.

SHEEP WANTED—1,200 MERINO OR COTSwould ewes, 1 to 3 years old. Address Box 16, Helena, Mont.

Thos. Crahan & Co.

REAL ESTATE!

CHOICE INVESTMENT CHANCES!

50 FEET Adjoining the Belvidere House on the South, Fronting Main Street, \$500 per Foot.

50 FEET on Helena Avenue, at Crossing of Lyndale and Montana Avenues, \$90 per Foot.

500 FEET in Flower Garden Addition, \$6.50 per Foot.

400 FEET in the Hershfield Addition, \$5.00 per Foot.

50 CHOICE Residences in all Parts of the City.

Respectfully,
T. CRAHAN & CO.

MILWAUKEE BEER HALL!

(Formerly L. X. L. Hotel.)

BAUMGARTNER & MUEHL, Props.

Celebrated Val Blatz Beer

5---CENTS PER GLASS---5

Fine Cigars and Liquors always on hand. GIVE US A CALL.

Ming's Opera House,

JOHN MAGUIRE, Manager.

Are You in the City Directory?

2 NIGHTS and MATINEE 2 NIGHTS and MATINEE 2

Commencing Next

FRIDAY EVENING OCT. 11.

RUSSELL'S Grand Farce Comedy Company, Presenting the Musical Sketch,

The City Directory,

—WITH—

CHARLIE REED, The Favorite Comedian, and a Company of Artists.

SWEET SINGING! LOVELY COSTUMES! GRACEFUL DANCING!

Reserved seats on sale Wednesday morning at Pope & O'Connor's Drug Store.

FIRST NATIONAL BANK OF HELENA,

Pioneer National Bank of Montana.

Organized in 1866.

Designated Depository of U. S.

Paid Up Capital - - \$500,000.

Surplus and Profits, - - \$500,000.

S. T. HANSEN, President

A. J. DAVIS, Vice President

E. W. KNIGHT, Cashier

T. H. KLEINSCHMIDT, Asst. Cashier

GEO. H. HILL, Second Asst. Cashier

BOARD OF DIRECTORS.

S. T. Hansen, John C. Curtin,

A. M. Holter, B. S. Hamilton,

Granville Stuart, C. P. Higgins,

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General Banking business transacted. Interest paid on time deposits.

SPECIAL SALE THIS WEEK AT

Fowles' Cash Store

Of Ladies', Misses, and Children's Fine Knit Underwear!

Our Great Drive will be in CHILDREN'S GREY SCOTCH WOOL, all sizes, only 25c. worth 50c. and 75c.

One Lot of Very Fine WHITE CASHMERE at one-half their value. This lot is the Finest Wool Underwear ever brought to the City.

In Ladies, we offer One Lot of KNIT UNDERWEAR, in Scarlet, at 75c., worth \$1.25.

One Lot of KNIT UNDERWEAR, in Scarlet, at \$1.50, worth \$2.25.

We also carry the Largest Stock of MILLINERY in Montana, Which is sold at the Lowest Cash Price.

FOWLES' CASH STORE.

HERMAN GANS.

HENRY KLEIN.

GANS & KLEIN.

EXTRA LARGE MEN,
EXTRA TALL MEN,
EXTRA SHORT MEN,
EXTRA FAT MEN,
EXTRA LEAN MEN

Can all suit themselves with Stylish, Well-Fitting Clothes of Good Material at Reasonable Prices, from our Ready-Made Clothing Department.

MAKING A POINT:

We Make a Point of Insisting Upon the Distinction Between CHEAP CLOTHING AND CLOTHING CHEAP!

We have Correct Clothing for all Men, Boys and Children, suitable for all occasions and occupations. Our New Stock is all Bright, Clean and Fresh, and at Prices you Cannot Resist.

GANS & KLEIN, HELENA, MONTANA.

THE ROCKY FORK COAL COMPANY

Is now prepared to deliver Coal from its Mines at RED LODGE

To consumers in this City. For Domestic and Steam purposes Rocky Fork Coal has no superior in this market. It lights readily, makes Hot Fire and leaves little ash. Try it.

Principal Office: ROOM 25, PITTSBURG BLOCK.

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GILCHRIST BROS. & EDGAR, Helena. ESTES, CONNELL CO., Anaconda.
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